

1 Philip J. Berg, Esquire
2 Pennsylvania I.D. 9867
LAW OFFICES OF PHILIP J. BERG
3 555 Andorra Glen Court, Suite 12
4 Lafayette Hill, PA 19444-2531
5 Telephone: (610) 825-3134
E-mail: philjberg@gmail.com

Attorney for Plaintiffs

7 **UNITED STATES DISTRICT COURT**
8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA,**
9 **SOUTHERN DIVISION**

10 LISA LIBERI, et al,

11 Plaintiffs,

12 CIVIL ACTION NUMBER:
13 **8:11-cv-00485-AG (AJW)**

14 vs.

15 ORLY TAITZ, et al,

16 Defendants.

17 **PLAINTIFFS RESPONSE IN**
OPPOSITION TO DEFENDANT,
YOSEF TAITZ, IN HIS
INDIVIDUAL CAPACITY,
MOTION TO STRIKE

18 Date of Hearing: August 29, 2011
19 Time of Hearing: 10:00 a.m.
Location: Courtroom 10D

20
21 **COMES NOW** Plaintiffs, Philip J. Berg, Esquire [hereinafter at times
22 “Berg”]; Lisa Ostella [hereinafter at times “Ostella”]; Lisa Liberi [hereinafter at
23 times “Liberi”]; Go Excel Global and Law Offices of Philip J. Berg by and through
24 their undersigned counsel, Philip J. Berg, Esquire and files the within Response in
25 Opposition: Memorandum of Points and Authorities; Declaration of Philip J. Berg,
26 Esquire in Opposition to Defendant, Yosef Taitz [“Taitz”], in his Individual
27
28

1 Capacity, Motion to Strike portions of Plaintiffs First Amended Complaint
2 [“FAC”]. Plaintiffs aver the following:
3

4 1. Defendant Yosef Taitz’s Motion to Strike seeks to Strike portions of
5 Plaintiffs Prayer for Relief that does not pertain to Yosef Taitz. In particular,
6 Paragraph four (4) on page 165-166 of Plaintiffs First Amended Complaint
7 [“FAC”]. This is improper as Defendant Yosef Taitz is not even named in
8 Paragraph 4 of Plaintiffs Prayer for Relief, Plaintiffs FAC, pages 165-166, nor does
9 it pertain to Defendant Yosef Taitz.
10

11 2. Defendant Yosef Taitz is seeking to strike Plaintiffs prayer for relief
12 as to all Defendants, which is not proper and should not be allowed.
13

14 3. Plaintiffs do have a couple of typographical errors in their pleadings,
15 which are pointed out in Plaintiffs Memorandum of Points and Authorities filed
16 concurrently herewith. If the Court requires, Plaintiffs will be happy to file an
17 Errata to correct said errors.
18

19 4. Defendant Yosef Taitz’s Motion to Strike is premature and only
20 brought to delay the proceedings.
21

22 5. Plaintiffs Opposition is based on this Response in Opposition;
23 Plaintiffs Memorandum of Points and Authorities; Declaration of Philip J. Berg,
24 Esquire; the records on file with this Court; and such other argument and evidence
25 which may be presented at the time of Hearing.
26
27

WHEREFORE, for the reasons stated Defendant Yosef Taitz's Motion to Strike must be Denied. Plaintiffs Request this Court to Grant them Attorney Fees and Costs for Defendant Yosef Taitz's improper Motion. If this Court is inclined to Grant any part of Defendant Yosef Taitz's' Motion, Plaintiffs respectfully Request Leave to Amend their Compliant.

Respectfully submitted,

Dated: August 13, 2011

/s/ Philip J. Berg

Philip J. Berg, Esquire

E-mail: philjberg@gmail.com

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Lafayette Hill, PA 19444-2531

Telephone: (610) 825-3134

Attorney for Plaintiffs